

REMARKS

In the Office Action¹ mailed January 4, 2008, the Examiner rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Iwasaki et al. (Japanese Patent Application Publication No. JP 2001-238674, hereafter "Iwasaki").

By this Amendment, Applicant amends claim 1. Support for the claim amendments can be found in the Specification at, for example, paragraph [0036] of this published application. Claims 1-6 remain pending and under current consideration.

Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Iwasaki.

Claim 1, as amended, recites a bioassay substrate having a disc-shape and containing optically interpretable recorded information, the bioassay substrate comprising a plurality of detection units, each detection unit comprising, among other things, "a data-detecting area comprising a reaction area for performing a mutual reaction process between substances to be detected and a target substance, a detection surface for fixing end portions of the substances to be detected, and a spacer module on the detection surface, the spacer module being inactive with respect to the mutual reaction process," (emphasis added). Iwasaki fails to teach at least the claimed spacer module.

Iwasaki, at paragraph [0049], discloses,

In the surface of the layer 8 of glass, two or more spots 9 by which the DNA probe is fixed along with the tracking mark 7 are arranged

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

spirally. Drawing 2 is a figure showing the spot of the single tier of the length direction of the arrangement between the tracking marks of drawing 1 (b) in a ** type. In drawing 2, the number in the spot 9 is a number which shows the turn of arrangement. An address mark and the 64 spots 9 are arranged in one division. Thus, the division of the spot 9 is carried out in the length direction of arrangement, and it has an address mark for every division. And the address marks for every division differ mutually.

(Emphasis added). According, Iwasaki merely teaches spots 9, on which DNA probes are fixed. Iwasaki, therefore, fails to teach "a data-detecting area comprising . . . a detection surface . . . , and a spacer module on the detection surface, the spacer module being inactive with respect to the mutual reaction process," as recited in amended claim 1.

For at least this reason, claims 1 distinguishes over Iwasaki. Claims 2-6 depend from claim 1 and thus distinguish over Iwasaki at least due to their dependence.

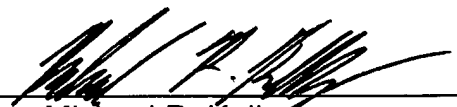
In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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